

## Remarks

In the present RCE, claim 33 is canceled. Claims 1 – 32 are presented for examination.

### **Claim Rejections: 35 USC § 102(e)**

Claims 1-8, 10-21, 23, 24, and 26-33 are rejected under 35 USC § 102(e) as being anticipated by USPN 7,222,176 (Laurent). These rejections are traversed.

Claims 1-8, 10-21, 23, 24, and 26-33 recite elements not taught or even suggested in Laurent. Some examples are provided below for the independent claims.

As one example, independent claim 1 recites a write control server that positions the write operations in a queue according to a reverse handicapping process that is based on transmission delays from the plurality of host computers to the write control server. By contrast, Laurent states that all I/Os from hosts are funneled through storage domain which controls access to the storage devices (see Laurent at col. 9, lines 54-60). Laurent never teaches that this control of access is “according to a reverse handicapping process that is based on transmission delays from the plurality of host computers” as recited in claim 1.

As one example, independent claim 10 recites calculating a travel time of a write request from a host computer to a write control server and then delaying the write request at the write control server by an amount of time that is based on this travel time. By contrast, Laurent states that all I/Os from hosts are funneled through storage domain which controls access to the storage devices (see Laurent at col. 9, lines 54-60). Laurent never teaches that this control of access is based on a travel time of a write request from a host to the server as recited in claim 10.

As one example, independent claim 17 recites positioning the write requests in the write permission queue in orders that are based on travel times from the plurality of host computers to the write control server. By contrast, Laurent states that all I/Os from hosts are funneled through storage domain

which controls access to the storage devices (see Laurent at col. 9, lines 54-60). Laurent never teaches that this control of access positions write requests in a queue in orders that are based on travel times from the plurality of host computers to the write control server as recited in claim 17.

As one example, independent claim 27 recites delaying transmission of the write requests in the queue to the data storage devices by an amount of time that is based on a reverse handicapping process. By contrast, Laurent states that all I/Os from hosts are funneled through storage domain which controls access to the storage devices (see Laurent at col. 9, lines 54-60). Laurent never teaches that this control of access delays transmission of write requests in queue by an amount of time that is based on a reverse handicapping process as recited in claim 27.

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)).

For at least these reasons, the rejected claims are allowable over Laurent.

### **CONCLUSION**

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should be directed to the following address:

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